

## REMARKS

The August 4, 2005 Office Action was based upon pending Claims 1-24, 27 and 28. This Amendment amends Claims 1, 4, 12, 15, 23 and cancels Claim 2. Thus, after entry of this Amendment, Claims 1-3, 5-24, 27, and 28 are pending and presented for further consideration.

The Examiner objected to Claim 2 as being dependent on a rejected base claim, but would be allowable if written in independent form with all of the limitations of the base claim and any intervening claims.

The Examiner rejected Claims 4, 5, 7-13, 27, and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,703,689 to Wada ("the Wada patent").

The Examiner further rejected Claims 1, 3, and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of U.S. Patent No. 4,491,983 to Pinnow et al. ("the Pinnow patent"). The Examiner further rejected Claims 6 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of U.S. Patent No. 6,686,580 to Glenn et al. ("the Glenn patent"). The Examiner further rejected Claims 14, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of U.S. Patent No. 6,614,103 to Durocher et al. ("the Durocher patent"). The Examiner further rejected Claims 19-22 under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of Pinnow, and further in view of Durocher.

### **ALLOWABLE SUBJECT MATTER - CLAIM 2**

The Examiner stated that Claim 2 would be allowable if rewritten into independent form to include the limitations of the corresponding base claim and any intervening claims. With this amendment, Applicants have rewritten Claims 1, 4, 12, 15, and 23 to include the limitations of Claim 2. Applicants respectfully submit that amended Claims 1, 4, 12, 15, and 23 are now in condition for allowance.

### **REJECTION OF CLAIMS 4, 5, 7-13 UNDER 35 U.S.C. § 102(e)**

The Examiner rejected Claims 4, 5, 7-13, 27 and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,703,689 to Wada ("the Wada patent").

Claims 4 and 12

The applicants have amended Claims 4 and 12 to include the limitation of allowable Claim 2. Because the reference cited by the Examiner does not disclose, teach or suggest that the optoelectronic device is fabricated using InP, and an InGaAs layer is formed on a P+ layer for making an ohmic contact, Applicants assert that Claims 4 and 12 are not anticipated by the Wada patent or the other cited references. Applicants therefore respectfully submit that Claims 4 and 12 are patentably distinguished over the cited references and Applicants respectfully request allowance of Claims 4 and 12.

Claims 5, 7-11, 13, 27, and 28

Claims 5, 7-11, and 28, which depend from Claim 4, Claim 13, which depends from Claim 12, and Claim 27, which depends from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claims 4, 12, and 1, respectively, and because of the additional features recited therein.

**REJECTION OF CLAIMS 1, 3, 6, 14, 15-17, 18, 19-22, 23, 24 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 1, 3, and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of Pinnow . The Examiner further rejected Claims 6 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of Glenn. The Examiner further rejected Claims 14, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of Durocher. The Examiner further rejected Claims 19-22 under 35 U.S.C. § 103(a) as being unpatentable over Wada in view of Pinnow, and further in view of Durocher.

Claims 1, 15, and 23

The applicants have amended Claims 1, 15, and 23 to include the limitation of allowable Claim 2. Neither the Wada patent, the Pinnow patent, the Glenn patent, nor the Durocher patent disclose, teach or suggest that a PIN photodiode, a photodiode, or

a laser diode is fabricated using InP, and an InGaAs layer is formed on a P+ layer for making an ohmic contact. Accordingly, Applicants respectfully submit that Claims 1, 15, and 23 are patentably distinguished over the cited references and Applicants respectfully request allowance of Claims 1, 15, and 23.

Claims 3, 6, 14, 16-22, and 24

Claim 3, which depends from Claim 1, Claim 6, which depends from Claim 4, Claim 14, which depends from Claim 12, Claims 16-22, which depend from Claim 15, and Claim 24, which depends from Claim 23, are believed to be patentable for the same reasons articulated above with respect to Claims 1, 4, 12, 15, and 23, respectively, and because of the additional features recited therein.

### **CONCLUSION**

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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